

1 LIND NSHIMBA
 2 Name and Address
 3 2875 OAKES DRIVE
 4 RAYWARD, CA 94542

FILED
 2011 DEC 27 P 12:31
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

5 UNITED STATES DISTRICT COURT
 6 NORTHERN DISTRICT OF CALIFORNIA

7
 8)
 9)
 10 LIND NSHIMBA)
 11 Plaintiff / Petitioner)
 12 VS.)
 13 LOWE'S HIW INC. et al.)
 14 Defendant / Respondent)
 15
 16

Case No. CV 10-2982 RS (NTV)

Document Name:

MOTION TO RE-OPEN

CASE CV 10-2982 RS (NTV)

17 ON DECEMBER 24th 2011 WHILE LOOKING FOR AN ONLINE
 18 UPDATE ON MY CASE I REALIZED THAT THE CASE WAS
 19 DISMISSED AS OF DEC. 9th 2011. I HAD CALLED THE CLERK'S
 20 OFFICE ON OR BEFORE DEC 4th 2011 TO INQUIRE ABOUT MY
 21 CASE AND WAS THEN ADVISED BY MS. CORINNE LAW
 22 THAT THERE WAS A CASE MANAGEMENT ON JAN 4th OR
 23 5th OF 2012. I HAD TO FOLLOW UP MY CASE ONLINE
 24 FOR I HAD AND HAVE HAD DIFFICULTIES REACHING MY
 25 ATTORNEY MR. FRIED SINCE THE FILING OF THE CASE
 26 BACK ON JULY 2010. I DID MEET WITH HIM PERHAPS
 27 TWICE SINCE THE FILING AND ONE TIME IT WAS TO
 28 COMPLETE A QUESTIONNAIRE FROM THE OPPOSING PARTY.

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 9)

10 Plaintiff / Petitioner)

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11 VS.)

12)
 13)
 14 Defendant / Respondent)
 15)

16 I HAVE NOT BEEN ABLE TO REACH ^{MR.}JOHNATHAN ^{FRIED}IN THE
 17 LAST COUPLE OF MONTHS AND PHONE RECORDS AND/OR
 18 TEXTS CAN CONFIRM THAT. I MUST ALSO ADD THAT
 19 THE RARE TIMES WE HAVE SPOKEN (PERHAPS OCTOBER
 20 2011) HE RE-ASSURED ME THAT ALL WAS GOING
 21 FINE AND THAT HE DID NOT NEED ANYTHING FROM
 22 ME. I RARELY GOT HOLD OF ^{MR.}JOHNATHAN FRIED MY
 23 ATTORNEY AND HE HAD MOVED HIS OFFICE AT LEAST
 24 TWICE SINCE THE FILING OF MY CASE AS WELL AS
 25 PHONE NUMBERS. I HAVE ALWAYS ATTEMPTED TO
 26 REACH HIM BY PHONE (HIS CELLULAR) OR BY EMAIL
 27 AND MOST OF THE TIME UNSUCCESSFULLY.
 28

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12)
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 14 Defendant / Respondent)
 15 _____

16 I MUST SAY THAT I WAS KEPT IN THE DARK AND
 17 HAD NO IDEA OF WHERE THE CASE WAS STANDING;
 18 HAVE I KNOWN OF HIS INCOMPETENCE AND LACK OF
 19 CLARITY I ^WWOULD HAVE FIRED HIM AND HIRED A
 20 DIFFERENT ATTORNEY... HE TOLD ME "ALL IS FINE."

21 I HEREBY REQUEST FOR THE COURT TO RECONSIDER
 22 THE DISMISSAL OF MY CASE, TO FURTHERMORE
 23 RE-OPEN MY CASE AND GIVE ME THE OPPORTUNITY
 24 TO RESOLVE THE CASE WITH LOWES H/W.

25 MY ATTORNEY DID NOT KEEP ME UPDATED ON WHAT
 26 WAS HAPPENING AND I THEREFORE GOT INADEQUATE
 27 REPRESENTATION FROM HIM.
 28

LINO NSTHIBA
 [Signature] 12/27/2011